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**FILED**  
DISTRICT COURT OF GUAM  
AUG 15 2006  
MARY L.M. MORAN  
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

AMERICOPTERS, L.L.C.,

Plaintiff,

vs.

FEDERAL AVIATION ADMINISTRATION,

Defendant.

CIVIL CASE NO. CV03-00005

**AMENDED SCHEDULING ORDER**

Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure, and Local Rule 16.1 for the District Court of Guam, the parties hereby submit the following Amended Scheduling Order:

1. **Nature of the Case.** This case involves claims of due process violations against the Federal Aviation Administration.

2. **Posture of the Case.**

(a) The following motions are on file: None.

(b) The following motions have been resolved: This case has been remanded by the Ninth Circuit Court of Appeals.

(c) The following discovery has been initiated: None.

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3. **Motions to Add Parties and Claims.** All motions to add parties and claims shall be filed on or before **November 2, 2006**.

4. **Motion to Amend Pleadings.** All motions to amend pleadings are due on or before **November 2, 2006**.

5. **Status of Discovery and Discovery Plan.**

The Discovery Plan attached hereto is adopted and incorporated as part of this Scheduling Order.

(a) The times for disclosures under Rules 26(a) and 26(e) of the Federal Rules of Civil Procedures are modified as follows:

(i) Initial Disclosures due *October 16, 2006* ~~September 15, 2006~~.

(ii) Disclosure of Expert Testimony under Federal Rule of Civil Procedure 26(a)(2) shall be made not later than **September 4, 2007**.

(iii) Subsequent designation of rebuttal expert testimony under Federal Rule of Civil Procedure 26(a)(2) shall be made not later than **October 2, 2007**.

(iv) Depositions of experts designated under Federal of Civil Procedure 26(a)(2) and paragraph 4(b) above, shall be completed no later than the discovery cut-off date. Depositions of rebuttal experts, if any, are designated under Federal Rule of Civil Procedure 26(a)(2) and paragraph 3(c) above, shall be completed no later than fourteen days after the discovery cutoff.

(v) Rule 26(a)(3) disclosures shall be made not later than 30 days before trial.

(b) The following is a description and schedule of all pretrial discovery each party intends to initiate prior to discovery:

Plaintiff intends to conduct depositions and submit requests for production of documents, interrogatories, and requests for admissions prior to the discovery cut-off date.

Defendant intends to conduct depositions and submit requests for production of documents, interrogatories, and requests for admissions prior to the discovery cut-off date.

6. **Scheduling Conference.** The parties shall appear before the District Court on August 15<sup>th</sup>, 2006.

7. The Discovery cut-off date is **November 5, 2007.**

8. The anticipated **DISCOVERY MOTIONS** are: None at this time.

All discovery motions shall be filed on or before **November 14, 2007.**

9. **Dispositive Motions Cutoff.** Dispositive motions shall be filed on or before **January 7, 2008.**

10. **Prospects for Settlement.** Prospects for settlement are not known at this time.

11. **Preliminary Pretrial Conference.** The preliminary pretrial conference shall be held on **February 11, 2008** at 10:00 a.m. *July*

12. **Pretrial Filings.** The parties' pretrial materials, discovery materials, witness lists, exhibit lists, and designation of discovery responses shall be filed on or before **February 15, 2008.**

13. **Proposed Pretrial Order.** The Proposed Pretrial Order shall be filed on or before **February 15, 2008.**

14. **Final Pretrial Conference.** The final pretrial conference shall be held on **Monday, February 25, 2008** at 10:00 a.m. *July*

15. **Trial.** Trial shall commence at **9:00 A.M. on Monday, March 3, 2008.**

17. **Anticipated Trial Time.** It is anticipated that it will take approximately **3 to 5** days to try this case.

18. **Identity of Counsel.** The counsel involved in this case are:

David Ledger - For Plaintiff  
Elyze McDonald -For Plaintiff  
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Mikel W. Schwab -For the United States of America  
Department of Justice  
U.S. Attorney's Office  
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19. **Settlement Conference.** Prospects for settlement are unknown at the present time and the parties are prepared to submit this case to a settlement conference.

20. **Suggestions for Shortening Trial.** The parties will explore stipulations as to undisputed facts.

21. **Issues Affecting Case Management.** The parties are considering whether to consolidate this case with *Jan's Helicopter Serv. v. FAA*, Dist. Ct. Guam CV03-00002.

SO ORDERED: this 15<sup>th</sup> August 2006.


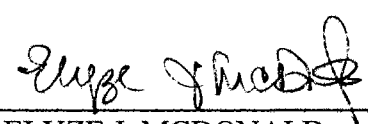
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HONORABLE JOAQUIN V.E. MANIBUSAN, JR.  
DISTRICT COURT OF GUAM

APPROVED AS TO FORM AND CONTENT:

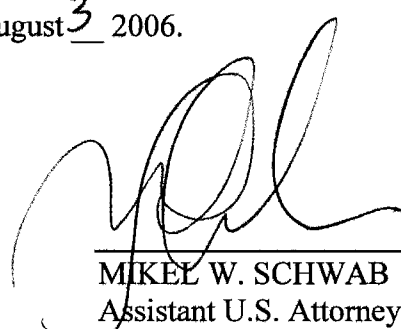
DATED: Hagåtña, Guam: this 3 August 2006.

CARLSMITH BALL LLP

  
  
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ELYZE J. MCDONALD  
Attorneys for Plaintiff  
Jan's Helicopters Service, Inc.

DATED: Hagåtña, Guam: August 3 2006.

UNITED STATES ATTORNEY  
DISTRICTS OF GUAM AND NMI

  
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MIKEL W. SCHWAB  
Assistant U.S. Attorney  
Attorney for the United States